

5/11/15

**FY 2015**

**Environmental Justice**

**Implementation Plan**

**EPA Region 5**



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## Overview

Region 5's Environmental Justice Implementation Plan applies the tools, approaches, and policies that have been developed through Plan EJ 2014 to carry out national environmental justice (EJ) program activities under EPA's 2014–2018 Strategic Plan and 2014–2015 National Program Manager Guidances.

Region 5 is actively participating to advance national efforts on the following major remaining commitments under Plan EJ 2014, which address critical elements of the Region's EJ program:

- Develop resources for conducting EJ analysis in permitting and addressing EJ issues in permits to the greatest extent practicable;
- Develop analytical and educational resources for incorporating EJ in the National Environmental Policy Act (NEPA) process; and
- Issue a public version of EJSCREEN.

Further national planning to advance environmental justice, building on Plan EJ 2014, is currently underway. This Implementation Plan will be revised during FY15 as necessary to reflect Region 5's participation in this national effort.

As Region 5 carries out EPA priorities in the Great Lakes Region, we include a specific focus on environmental justice:

- As part of "Making a Visible Difference in Communities," prioritizing environmental and economic revitalization activities in overburdened and underserved communities in six cities: Chicago, Cincinnati, Detroit, Duluth, Gary and Milwaukee. (These projects are managed through Superfund's Brownfields and Community Revitalization Branch, and these project plans are not duplicated here.)
- As part of "Launching a New Era of Partnerships," working with communities to identify and address disproportionate impacts.

Region 5 will continue to make environmental justice part of our day-to-day business, with a focus on promoting environmental justice in three areas: permitting, enforcement, and community-based work. Each Division has committed to work in these areas and report biannually. This work and associated commitments are summarized below. The EJ program will report on progress at the end of fiscal year.

## Permitting

Region 5's implementation plan to promote public participation in EPA-lead permitting can be found in Appendix A or <<http://www.epa.gov/environmentaljustice/plan-ej/permitting.html>>. In FY 15, Region 5 will screen all federal permits using EJSCREEN. Where appropriate, Region 5 will expand community outreach and public participation and conduct analyses to evaluate disproportionate impacts. We will also work with state partners to build capacity and exchange information on EJ concerns related to state permits that we have identified through EJSCREEN and other sources. The programs will report on the commitments below on a bi-annual basis.

### *Permitting Results and Reporting*

Commitment	Measurement / Deliverables	Documented Results
Identify permits in EJ areas of concern where Region took action to address EJ concerns	<p># of federal permits with <b>enhanced public participation</b></p> <p>Extended public comment, public comment when none is required, additional public meetings, hearings, materials and meetings in locally spoken languages, etc.</p> <p># of federal permits with <b>enhanced permit terms</b> including but not limited to enhanced controls, monitoring requirements, compliance measures, emissions limits, work practices, or ongoing community engagement</p>	<p># of federal permits with enhanced public participation with examples of what was done</p> <p># of federal permits with enhanced permit terms with examples of what was done</p>
Identify permits in EJ areas of concern where Region encouraged state to take action to address EJ concerns	State permits under review will be run through the EJSCREEN process. If the permit falls within an EJ area of concern, the Region will recommend action.	# of state permits where Region recommended action

In addition, the NPDES, TSCA, and UIC programs will pilot an EJ Analysis for one federally issued permit using the framework provided by the National EJ and Permitting workgroup.

## Enforcement

Enforcement programs will consider environmental justice throughout their work as called for in OECA's FY15 NPM Guidance, which continues from FY14.

### *Enforcement Results and Reporting*

OECA	Commitment	Measurement / Deliverables	Reporting Results
	Provide number of inspections and enforcement actions in areas of EJ	Benefits of enforcement in areas of EJ concern (quantitative reporting on outputs and outcomes)	Midyear and end of year (R5 OECA will develop reports, w/ ECAT input as needed)
All Programs	Provide EJ case highlights	Narrative summaries of concluded cases that address EJ benefits.	Updates in EJ database (coordinate w/ ECAT)
	Submit press release with EJ benefits	Enforcement press releases include language on EJ benefits (following OECA guidance)	Attach press releases to EJ database (coordinate w/ ECAT, OPA)
	Target inspections to areas of EJ concern	Report on inspections and enforcement results in geographic target areas	Midyear and end of year (R5 OECA will develop reports, w/ ECAT input as needed)

## Community-focused programs

As noted above, Region 5 is carrying out the FY15 Annual Action Plan for the cross-agency strategy "Working to Make a Visible Difference in Communities" by focusing cross-program action on six environmentally overburdened, underserved and economically distressed communities. Region-wide planning and reporting for this work is led by Superfund's Community and Land Revitalization Branch; and OECA's EJ program will participate in this work. OECA supports these project by providing technical public health expertise to contribute to reducing health disparities in the targeted communities living with EJ concerns. OECA EJ program gives input on community involvement techniques and supports community empowerment in the six focus communities.

In addition to this work, a range of Region 5 programs with a focus on communities will continue their efforts in areas of EJ concern, including:

- The *Air & Radiation Division* (ARD) will hold asthma education sessions and conduct targeted community based initiatives;
- The *Water Division* (WD) will restore urban river corridors and spearhead Urban Waters projects.
- The *Land and Chemicals Division* (LCD) will identify opportunities to align and leverage Pollution Prevention (P2) community-based programs with overburdened and underserved communities to support the Agency's sustainability efforts; and will work to assure proper use of lead-safe work practices during renovations of older homes and child-occupied facilities in EJ communities.
- *Office of Compliance and Enforcement* (OECA) will administer the EJ Small Grants program, providing financial and technical assistance to up to 4 grantees per region to address environmental health problems in a community.
- The Cleveland Office of OECA will work with the Water and Superfund Divisions to apply green infrastructure and sustainable demolition in ways that benefit communities.

As lead for the *Community based work in Region 5*, Superfund Brownfields section will address national reporting for the six focus communities.

*Each Division will report on the community-based programs:*

Mid-year and EOY: Provide updates on commitments (each Division and Region 5 OECA). Retrospective reporting on program benefits to communities with EJ concerns with narrative discussion of major accomplishments and quantitative results.

## **Region 5 OECA EJ Program**

Region 5's EJ program is located in the Office of Enforcement and Compliance Assurance (OECA). The Office coordinates with Divisions, the Office of Regional Counsel and the Indian Environmental Office through the EJ Steering Committee. Enforcement planning and reporting is also coordinated with the Enforcement and Compliance Assurance Team. The OECA EJ team meets on a regular basis with members representing topical areas such as NEPA, enforcement and compliance assistance, mapping, and state and interagency coordination and communication. The EJ program helps all Region 5 Divisions and Offices – including other components of R5 OECA – take full ownership of EJ as a meaningful, integrated part of their programs, policies and activities.

The goals of the R5 OECA EJ program for FY 15 are:

1. Region 5 effectively integrates EJ principles in its work;
2. Region 5 actively participates in national EJ program development and planning;
3. Region 5 promotes and supports actions by our co-regulators to achieve EJ;
4. Region 5 works with overburdened and vulnerable communities to recognize and address their EJ concerns;
5. Region 5 communicates effectively with a range of stakeholders about its EJ program.

### ***R5 Environmental Justice Collaborative Problem Solving (CPS) Program and EJ Small Grants***

The Region 5 Environmental Justice CPS Cooperative Agreement program will provide financial and technical assistance to Southwest Detroit Environmental Vision (project will be in its second year) and ensure sound project management. OECA will run the FY 15 EJ small grant program. The outputs are outlined below.

#### **Outputs/Outcomes:**

- Review EJ Small Grant RFP
- EJ Small Grant RFP published October 2014
- Regional Review completed March 2015; competition documentation submitted to OEJ
- Region 5 EJ Small Grants awarded by Summer 2015
- Semi-annual reporting submitted to OEJ and R5 OECA
- Success Stories developed and submitted to OEJ and R5 OECA by end of FY 15 for CPS and EJ small grants
- Environmental results reported pursuant to EPA Order 5700 Environmental Results for Grants
- Complete open small grants on schedule

*See Appendix C for a detailed discussion of OECA's plan*

### **Limited English Proficiency (LEP)**

As stated in EPA's LEP Order 1000.32, EPA encourages its programs and activities to ensure meaningful access through appropriate policies and procedures for providing language assistance to fulfill their Civil Rights Act Title VI responsibilities. The LEP Order required each EPA program and office to develop an LEP review plan.

Region 5 will screen actions to look for communities that will need assistance with translation in order to effectively communicate. Screening for limited English proficiency can be done through EJ SCREEN and actions to accommodate can be taken accordingly. Region 5 staff and managers will use available tools to provide language assistance in outreach and education and track those results.

Commitment: Each Division will report twice a year on the number of people reached through translation in meetings and through translated materials. The LEP commitment is embedded in all the of the EJ commitments made by the regions.

*See Appendix D for the Region 5's LEP plan.*



## **APPENDIX A**

### **Environmental Justice Permitting Regional Implementation Plan To Promote Enhanced Public Participation in Permitting US EPA Region 5**

#### ***Introduction***

Public participation in the permitting process helps to ensure that permits issued by Region 5 meaningfully consider environmental justice concerns. An “environmental justice concern” (EJ concern) is the actual or potential lack of fair treatment or meaningful involvement of minority, low-income, or indigenous populations or tribes in developing, implementing, or enforcing environmental laws, regulations, and policies.

This plan describes how Region 5 will implement the guidelines provided in “Proposed Regional Actions to Promote Public Participation in the Permitting Process” (77 FR 3805, June 26, 2012). It covers four points:

- (1) What types of permits will be prioritized;
- (2) How these permits will be reviewed for EJ concerns;
- (3) How the Region will promote public participation where it identifies EJ concerns; and
- (4) Program roles and responsibilities in carrying out this plan.

This plan became effective on October 31, 2012, and has been reviewed annually, and updated as needed.

#### ***Categories of Permits for Enhanced Public Involvement***

Permitting programs will screen all applications for federally-issued permits, and will prioritize actions to enhance public participation in permitting projects where EJ concerns are identified. Specific categories of applications to be screened for EJ concerns include:

- Construction permits under the Clean Air Act, especially new major sources (or major modifications of sources) of criteria pollutants, tribal minor New Source Review permits, and operating permits;
- Significant Underground Injection Control Program (UIC) permits under the Safe Drinking Water Act for Class I, II, and III wells, and Class VI wells for Geologic Sequestration of CO<sub>2</sub>
- Resource Conservation and Recovery Act (RCRA) permits associated with new combustion facilities or modifications to existing RCRA permits that address new treatment processes or corrective action cleanups involving likely potential off-site impacts;

- Approvals for new polychlorinated-biphenyls (PCB) commercial storage and PCB waste disposal in commercial landfills under Toxic Substances Control Act (TSCA) (*Note: as used throughout this plan, the term “permits” includes such approvals.*);
- “Major” industrial National Pollutant Discharge Elimination System (NPDES) permits (as defined in 40 CFR 122.2) under the Clean Water Act that are for new sources or new dischargers, or existing sources with major modifications, including, but not limited to; a new outfall, a new or changed process that results in the discharge of new pollutants, or an increase in production that results in an increased discharge of pollutants;
- “Non-Major” industrial NPDES permits (as defined in 40 CFR 122.2) under the Clean Water Act that are identified by EPA on a national or regional basis as a focus area, for new sources or new dischargers, or existing sources with major modifications, including, but not limited to, a new outfall, a new or changed process that results in the discharge of new pollutants, or an increase in production that results in an increased discharge of pollutants.

The Region plans to screen new permit applications and applications for permit renewal where;

- Community members have raised plausible EJ concerns
- EPA has other information indicating EJ concerns related to the permit.

#### ***EJ Screening and Review of Permit Applications***

EJ screening considers environmental and demographic indicators to identify geographic areas where there is a relatively high potential for EJ concerns to arise. Environmental indicators are direct or proxy estimates of pollution levels and demographic indicators are proxy estimates of a community's vulnerability to pollution. Where screening indicates EJ concerns related to the permit application, Region 5 will review additional information as follows.

The Region plans to review information to understand possible environmental and human health impacts to the community from the proposed permit, as well as existing susceptibility to such impacts, so that it is prepared to address these specific concerns in our public involvement efforts and consider them as appropriate when reviewing an application. This could include:

- Location of sensitive receptors (e.g., schools and day care centers, clinics and hospitals, local businesses)
- Demographic information that is relevant to susceptibility and potential extent of impacts, such as age, population size, race and ethnicity, and economic status

- Information relating to specific environmental and public health concerns that have been raised by the community.

The Region plans to also review information to help us develop an effective approach to enhancing public participation for permits with EJ concerns. This could include:

- Demographic information that is relevant to effective communication, such as primary language spoken and education level
- Information on community-based organizations and environmental organizations to include in outreach efforts, and to ask for input on the public participation approach as needed (e.g., suitable locations for community meetings, or ways to effectively reach community members)
- Location of local neighborhood associations and religious institutions that may provide effective venues for outreach efforts.

#### ***Enhanced outreach activities***

Where screening and review of an application for a new permit or renewal of an existing permit raises EJ concerns, the Region will take action to ensure meaningful public involvement in that permitting process. The following activities will be considered in the context of specific permits, taking into account all available information about the proposed project and the community:

- The Region will increase internal oversight for the EPA-issued permit, including coordination among affected offices throughout the permitting process if the facility is applying for more than one permit.
- The Region will encourage enhanced outreach by the applicant (for new permits) or permittee (for permit renewals). This may include encouraging the applicant or permittee to:
  - provide EPA with a plain-language description of its proposed project that can be shared with community members
  - apply EPA guidance on environmental justice, such as the "Guidance to Permit Applicants Seeking EPA-issued Permits: Ways to Engage the Communities at Your Fence-line."
- The Region will share information about the permitting action and the proposed permit with community members, through means such as:
  - holding informational meetings
  - ensuring that public notices reach the impacted community and are written in plain language

- ensuring the community has access to important public documents
  - using communication techniques the community values (such as direct mailings, articles in local newspapers, emails to list serves, etc.)
  - extending the public comment period, when appropriate responding to community questions and concerns, especially those of a technical nature and those about environmental justice.
- The Region will plan for one or more public meetings, and will:
    - seek to hold public meetings (including meetings required to meet regulatory requirements, such as hearings) at times and places in the community best designed to afford the public a meaningful chance to attend
    - offer translation services for communities with multi-lingual populations (including interpreters at public meetings or translations of public documents), when appropriate and allowed by our budget.
  - The Region will ensure appropriate follow-up with community stakeholders after the permit has been issued, by providing a summary of EPA's response to comments to the community and letting community members know where they can find the full response to comments.

#### ***Roles and Responsibilities of Regional Programs***

This plan applies to permitting in the following program offices: the Air Programs Branch, the UIC Branch, the NPDES Program Branch, and the RCRA Program Branch (which also issues TSCA permits).

The permit writer in each permitting program is responsible for the following actions: screening; additional review; planning for enhanced outreach when appropriate; and implementing enhanced outreach as planned. Each Branch Chief will develop appropriate procedures as needed to ensure action under this plan.

Region 5's Environmental Justice program, located in OECA, will:

- provide training on how to conduct EJ screening, as needed
- assist permitting programs as needed by facilitating contact with community and environmental justice groups
- provide support as needed to respond to community EJ concerns
- review plan implementation, including identifying any needed updates to the plan

## APPENDIX B: Community-Based Commitments

Chart B1. WD Community-Based EJ Commitments

Water Division	Project or Program	Commitments	Measurement/Deliverables	Lead
	Support Cincinnati Project (Metropolitan Sewerage District of Greater Cincinnati)	Create a new "green" urban drainage corridor in an EJ community area with floodway capacity and riparian park areas and trails. Brownfield site assessments being completed on parcels in the green corridor in conjunction with construction work.	New urban drainage corridor substantial progress.	Bob Newport
	Support Cleveland Project (Northeast Ohio Regional Sewerage District)	Working on protecting Lake Erie and making near shore waters safe for swimming and recreation. Restore and protect urban rivers including the Cuyahoga using green infrastructure to help reduce combined sewer overflows.	Progress on Lake Erie, Cuyahoga River, and Green Infrastructure.	Bob Newport
	Support Northwest Indiana Urban Waters pilot partnership	Support Northwest Indiana Urban Waters pilot partnership in development and implementation of work plan with federal, state, and local partners. Provide technical assistance on priority projects.	Major accomplishments	Peg Donnelly
	Urban Waters	Support to Toledo and Grand Rapids locations as Urban Waters Federal Partnership sites.	Major accomplishments in these two cities	Peg Donnelly

Chart B2. SFD Community-Based EJ Commitments

Superfund Division	Project or Program	Commitment	Measurement/Deliverables	Lead/Target
	Job Training Program	Track the progress  Job Training Program	<ul style="list-style-type: none"> <li>Number of participants enrolled;</li> <li>Number of graduates; and</li> <li>Number of graduates to receive employment</li> </ul>	Linda Morgan
	Grants Program	Provide grant application award and recognition for Brownfield communities in areas of potential EJ concern	<ul style="list-style-type: none"> <li>Number of grants and total dollar amounts of grants awarded;</li> </ul>	Mike Gifford
	Remedial Program	Site specific updates	<p>Report on about the aspects of environmental justice that were addressed in the site (usually triggered by an action point such as pre-ROD, close out, 5 year review, redevelopment)</p> <p>- Narrative including enhanced public involvement, exposure prevented, risk reduced</p>	Keith Fusinski
	Community Involvement and Outreach Program	External Outreach: Use existing tools to reach out to linguistically isolated communities	<p>Report on number of public meetings, information sessions brochures, bilingual Webpage, fact sheets, etc. that were translated in another language to support LEP populations.</p> <p>— Number and type of materials (list site)</p>	Janet Pope

Chart B3. LCD Community-Based EJ Commitments

Land and Chemicals Division	Project or Program	Commitments	Measurement/Deliverables	Lead
	P2 Program	Work with OECA to identify communities with EJ concerns and facilitate coordination and collaboration with State Pollution Prevention Programs.  Foster information sharing and exchange with State P2 programs to potentially target resources in EJ communities.	Develop a list of communities with EJ concerns and share information with State Pollution Prevention programs	Julie Magee
	Lead-based Paint Program	1) Hold training on lead-based paint renovations (RRP) in 5 EJ communities, and; 2) work with local building departments to collaborate on assuring renovators' compliance with RRP rule.	1 Number of RRP/renovators trained and 2 Number of building departments in EJ communities collaborating with EPA on RRP	Tony Martig
	Green Chemistry/safer chemical substitutions for coal-tar sealants	Support the City of Gary and MS4 participants by providing training on safer alternatives to coal tar sealants.	Number of participants in training workshop provided to the City of Gary and MS4 participants.	Janet Haff and Bradley Grams
	RCRA Corrective Action	Site Specific Updates	Report on sites located in EJ communities when decision documents have been issued and public participation is solicited (Statement of Basis, Final Decision and Response to comments), when significant contaminant removal activities take place and when new administrative orders are issued.	Tammy Moore
	RCRA Corrective Action	External Outreach	Report on of public meetings, information sessions, brochures, bilingual Webpage, fact sheets at sites located in communities with EJ concerns	Tammy Moore
	Pesticides	Provide training & outreach promoting IPM practices in schools	1 Number of training sessions held and people reached in schools in EJ communities	Dan Hopkins

Chart B4. ARD Community- Based EJ Commitments

	Project or Program	Commitments	Measurement/Deliverables	Lead
Air and Radiation Division	Asthma	Track # of people educated about environmental mgmt. of asthma & childhood exposure to ETS in EJ areas of concern Track # of healthcare professionals trained on environmental mgmt. of asthma and childhood exposure to ETS in EJ areas of concern	Aggregate # of people with asthma/caregivers educated related to EJ areas of concern  Aggregate # of healthcare workers trained on mitigations related to EJ areas of concern	Monica Paguia
	Toxics	Track # of facilities in EJ areas of concern where risk and/or emission reductions are encouraged and/or occur through source-specific consultation (recognizing that reductions depend on data analysis activities).	Report at mid and end of year on progress	Margaret Sieffert
		Track # of SEP Projects Furnished in EJ areas of concern	Report at mid and end of year on progress	Jack Barnette



Chart B5. Children's Health Community Based Commitments

EJ - CMB/Children's Health	Supports recognition of children's unique vulnerability in EJ Communities
Action Items	Increase capacity of key stakeholders for protection Children's Health in Indoor Environments
Schedule	September 30, 2015
Deliverables	<ul style="list-style-type: none"> <li>- 40 childcare providers in EJ areas of concern: Increased awareness of children's health/ indoor environmental quality and low-cost/no-cost strategies to improve childcare environments</li> <li>- 40 service providers e.g. educators, healthcare providers, who serve EJ areas of concern: Increased awareness of children's health/indoor environmental health issues &amp; no-cost/low-cost strategies to improve indoor environments</li> </ul>
Responsible Manager	Mardi Klevs
Goal/Objective/Sub objective	<ul style="list-style-type: none"> <li>- Cross-Agency Strategy: Working to Make a Visible Difference in Communities</li> <li>- Objective 1.2: Improve Air Quality. Achieve and maintain health- and welfare based air pollution standards and reduce risk from toxic air pollutants and indoor air contaminants.</li> <li>- Objective 4.1: Ensure Chemical Safety. Reduce the risk and increase the safety of chemicals that enter our products, our environment, and our bodies.</li> </ul>
Outputs/Outcomes	Increased awareness of children's unique vulnerability and of tools and resources to reduce exposures in indoor environments.

**Note:** The Children's Health program has developed a national strategic plan that will be posted on EPA Children's Health website. Region 5 Children's health program will be reporting on thirteen regional measures contained in that plan. The results will reflect work done in primarily underserved communities and will be shared with the EJ program.

## APPENDIX C: OECA EJ Planning Framework – FY 15

### Environmental Justice Definition & Principles

*Environmental Justice* is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

*Fair treatment* means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies. *Meaningful involvement* means that:

1. People have an opportunity to participate in decisions about activities that may affect their environment and/or health;
2. The public's contribution can influence the regulatory agency's decision;
3. Their concerns will be considered in the decision making process; and
4. Decision makers seek out and facilitate the involvement of those potentially affected.

The term "*environmental justice concern*" (EJ concern) is used to indicate the actual or potential lack of fair treatment or meaningful involvement of minority, low-income, or indigenous populations, or tribes, in the development, implementation, and enforcement of environmental laws, regulations, and policies.

### Environmental Justice Goal

EPA's goal is to provide an environment where all people enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work.

### Region 5 EJ Program Goals and Projects

1. Region 5 effectively integrates EJ principles in its work.  
Within Region 5, OECA's EJ program coordinates and communicates with other Offices and Divisions to support their actions to implement EJ policy in their programs. We work primarily with the EJ Steering Committee, which includes representatives from WD, ARD, LCD, SFD, ORC, and OCR. The EJ program helps all Region 5 Divisions and Offices – including other components of Region 5 OECA – take full ownership of EJ as a meaningful, integrated part of their programs, policies and activities.

- a. Establish FY 2015 Region 5 EJ Implementation Plan
  - i. Revise from FY14 plan based on program changes since previous year.
  - ii. Obtain program commitments for enforcement, permitting, and community-based work.

- iii. Track progress on commitments (review with EJ Steering Committee as needed).
  - iv. Report results as necessary and at end of year
  - v. Incorporate and implement LEP plan as part of FY15 EJ Plan.
  - b. Lead the EJ Steering Committee
    - i. Develop monthly agenda to discuss Region 5 EJ implementation & share information on national EJ program developments
    - ii. Consult EJSC when Region-wide input is needed on EJ topics
  - c. Develop and provide training to give programs the framework and tools to identify and address EJ concerns.
  - d. Lead NEPA program implementation of EJ
  - e. Lead ECAT and R5 OECA development of enforcement targeting strategies and remedies that consider EJ.
  - f. Provide EJ screening and analysis support to programs, as needed
2. Region 5 actively participates in national EJ program development and planning. Within EPA, OECA's EJ program participates in national EJ program development and planning that has significant implications for how Region 5 identifies and addresses EJ concerns. We engage other programs with relevant expertise through the EJSC.
- a. Support effective participation by Region 5 in EJ Committee
    - i. Work with EJSC to develop positions and briefing materials for DRA.
  - b. Co-lead Plan EJ 2014: Enforcement planning and implementation
    - i. Work with OECA EJ Council as co-lead (specific national projects and activities detailed in annual plan).
    - ii. Track and report enforcement results
  - c. Engage with implementation of Plan EJ 2014: Permitting annual plan.
    - i. Report on the implementation of Region 5 public plan for community engagement in permitting
    - ii. Participate in national Plan EJ 2014: Permitting workgroup
  - d. Engage with implementation of EJSCREEN
    - i. Co-lead EJSCREEN Implementation Workgroup with OEJ, and raise key policy and implementation issues for EJC review and decision.
  - e. Participate in EJ Coordinator calls
3. Region 5 promotes and supports actions by our co-regulators to achieve the EJ goal.
- a. Address EJ in the NEPPs process
    - i. Identify and promote EJ projects for PPAs
    - ii. Help implement EJ projects in PPAs, and track results
  - b. Engage with Region 5 state EJ contacts.
    - i. Lead bi-monthly calls with Region 5 state EJ contacts
    - ii. Lead action to address state requests and needs identified through state EJ calls and other venues.
  - c. Participate in monthly all-states EJ calls.

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4: Region 5 works with overburdened and vulnerable communities to recognize and address their EJ concerns.

- a. Help address EJ concerns in Chicago
  - i. Engage with EJ Alliance of Southeast Chicago
  - ii. Support inclusion of ORD's CCAT in Chicago CARE project
- b. Support community-based project in Northwest Indiana
- c. Maintain partnerships in SW Detroit with state, city and local entities
- d. Respond to citizen complaints by referring to proper programs and tracking results

5. Region 5 communicates effectively with a range of stakeholders about its EJ program.

- a. Keep R5 EJ web-page relevant and up to date
- b. Use EJ mailing lists for regular communication

## **APPENDIX D: Limited English Proficiency (LEP) Plan Implementation Strategy**

### **Introduction**

Region 5's *Limited English Proficiency (LEP) Plan* has been added to the region's FY 15 *Environmental Justice Implementation Plan*. It focuses on LEP plan commitments and specific steps to implement them, using the latest available EJ screening tools.

Implementation of the LEP plan will ensure Region 5's compliance with Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, August 11, 2000; the *Guidance to EPA Financial Assistance Recipients Regarding Title VI Protection Against National Origin Discrimination Affecting Limited English Proficient Persons*, August 2004, and EPA Order 1000.32, *Compliance with Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency*, July 8, 2011.

Region 5 uses EJSCREEN to screen and identify projects where LEP implementation is likely to be needed. For projects likely needing LEP actions, programs will carry out the four factor assessment as described in EPA Order 1000.32 to determine if special measures are needed to ensure that LEP groups and individuals have access to EPA information and can effectively participate in regulatory functions.

The four factors are:

1. The number or proportion of LEP persons encountered in the impacted population;
2. The frequency with which LEP individuals come in contact with the EPA program or activity;
3. The nature and importance of the program, activity or service provided by EPA;
4. Resources and costs.

### **Region 5 LEP Screening Approach**

EPA's EJ screening tools can be used to determine the presence of linguistically isolated populations in a given location.

1. In EJSCREEN, define the area of interest (e.g., the area impacted by a facility or other source of pollution, or the area in which a community-based project is to occur either by defining a circular buffer around a geographic point or simply by visually identifying the area visually on the map.
2. Open the "Color-Coded Mapping" widget. (You may wish to set the transparency levels of the four sets of data layers to a setting greater than zero, the default setting, by selecting the transparency slider immediately to the right of each of the headings for

the four sets of layers and moving the slider to the desired level of transparency. Somewhere between 40% and 70% transparency often works well.)

3. Open the "Demographic Data" folder, and then open the "Demographics detail" subfolder to reveal the individual demographic attribute data layers.
4. Select the "% linguistic isolation" layer.
5. You will see that the block groups on the map are now color-coded to represent varying levels of linguistic isolation. The Region 5 screening approach for linguistic isolation suggests that the user identify and consider taking special language-oriented measures when the level of linguistic isolation is at or above the 95 percentile nationally. Block groups at this level of linguistic isolation are indicated by the color red on the color-coded map. This level of linguistic isolation equates roughly to 1 in 4 households in a block group. If resources allow addressing linguistic isolation at lower levels than this, the user may identify block groups color-coded orange (roughly 15% - 24% of households), or even yellow (roughly 7% to 14% of households).

## Resources

1. Region 5 Office of Public Affairs has a communications strategy, *Outreach Plan to Target Specialty Media*, which targets under-represented groups by reaching out to underserved community media outlets, including newspapers, magazines and websites. Programs should refer to this strategy when reaching out to underserved communities through media outlets, including newspapers, magazines and websites.
2. The Region 5 EJ intranet page has an LEP section that serves as a resource for managers and staff interacting with groups and/or individuals who do not speak or read English well or, at all. The intranet page helps EPA provide LEP individuals or groups information, assistance and or the means to participate in a regulatory process. The intranet page houses an inventory of translated products, services, multilingual staff and contractors available. This includes available contracts for translation services, and a directory of Region 5 bi or multi-lingual staff that may be used in special situations e.g. take a telephone call or respond to an e-mail.

## Implementation Actions

1. The Divisions and Offices within Region 5 will establish internal procedures for conducting and approving each Four Factor Assessment with support from EJ SCREEN during the second half of FY 14. Results of screening and translation services provided for EPA actions will be recorded in FY 15 in the EJ database. These results will be provided to the Region 5 Office of Civil Rights to support monitoring, tracking and reporting compliance with Executive Order 13166,

*Improving Access to Services for Persons with Limited English Proficiency*  
(August 11, 2000).

2. Determining special measures to address LEP will be determined by the media programs on a case-by-case basis, based on assessment results.
3. LEP training needs will be incorporated into existing EJ training, including EJSCREEN training and numbers trained will be reported.